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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,171	02/02/2004	Ichiro Kataoka	62758-069	6032
7590 05/25/2006 McDermott, Will & Emery 600, 13th Street, N.W. Washington, DC 20005-3096			EXAMINER RAO, SHEELA S	
			ART UNIT 2125	PAPER NUMBER

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,171

Applicant(s)

KATAOKA ET AL.

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendments and response filed February 9, 2006 has been entered and considered.
2. Claims 1-5 are pending and presented for examination. Claims 1-5 have been amended.

Response to Amendment

3. The objection made to the disclosure because of informalities is **maintained**. The specification appears to be a directed translation of a foreign language document and therefore contains numerous grammatical inconsistencies. Applicant's cooperation is requested in correcting such errors in the disclosure. Additionally, the brief description of some of the drawing figures is not in proper form. Namely, Figs. 3 to 8, 9 to 11, 13 and 14, and 19 and 20. The statement of description for these figures appears redundant since a statement of example is followed by a descriptive explanation. The statement of example is an unnecessary account. Appropriate correction is required
4. The rejection of claims 1 and 5 under 35 USC §112, 2nd paragraph, is **withdrawn** in light of the amendments made.
5. The rejection of claims 1-5 under 35 USC §102(e) as being anticipated by USPN 6,871,182 B1 to Winnard et al. is **maintained** and has been restated below.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,871,182 B1 to Winnard et al.

The patented invention to Winnard et al. (hereinafter "Winnard") teaches of an engineering change decision analysis system and method. In doing so, the disclosure teaches and suggests the limitations of the instant invention.

With regard to the limitations of instant claims 1 and 5, the use of a case input means for inputting design changes is taught at column 2, lines 13-29. The system of prior art includes a graphical user interface operating on a computer and receives a selection for design change. The GUI continues by prompting the user for specific information necessary for analysis (col.3: ll. 9-11). The use of a database for storing inputted data is inherent to the system as disclosed by Winnard. However, figure 4 of the reference depicts the presence of computing devices which include memory for information storage or accumulation. The use of an evaluation target design change input means for inputting the updated contents is undertaken by the analysis system that prompts the user for pertinent analysis data, see col. 6: ll.11, et seq. As per the delivery means in claims 1, 3, and 4, Winnard teaches the relaying/displaying of a suggestion report which shows the preferred design choice, see col. 6: ll. 23-33. The displaying of a relationship between factors as per the final element of instant claim 5, is taught by the patented invention where the GUI displays data fields for the user to view either as a one-way analysis or a two-way analysis. These analyses show values of the variables either one at a time or two variables simultaneously. See column 6, lines 58-61.

The influential factors that are listed in instant claim 2 is detailed in the reference of prior art at column 3, beginning at line 13. Wherein, Winnard states that questions are posed to the user as a means of evaluating the factors relating to the change in design. The factors that are listed by Winnard, include cost, customer satisfaction, feasibility, management directives, missed objectives, and quality; which are similar to the influential factors of the instant invention.

For the reasons stated above in, the limitations of the claimed invention is taught by the prior art of record; thereby, rendering the instant claims unpatentable.

Response to Arguments

8. Applicant's arguments filed February 9, 2006 have been fully considered but they are not persuasive.

Applicant argues that the reference of prior art does not teach the limitations of the instant invention. Examiner disagrees. Applicant states that the instant invention pertains to "the correlations or relationships between the costs of pre-existing design changes, ..., are input in the form of a rule table and stored as case data in a database or accumulated within a network." The patented invention by Winnard states in the abstract that the disclosed invention collects design change information and associated data including cost information. The system then computes expected results using data saved in the memory. Then, Applicant argues that the reference of prior art does not teach a rule table for storing or accumulating the correlations. To this extent of the instant invention, Winnard clearly states that "a database may be used for storing system data and data received from users." (see col. 11: ll. 7-19) The use of a rule table is a form of storage of data just as the databases used by Winnard. Thus, a form of storage for data is present in the reference of prior art just as claimed by the instant invention.

The patented disclosure by Winnard teaches the limitations of the instant invention as claimed. The rejection of instant claims 1-5, therefore, being maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

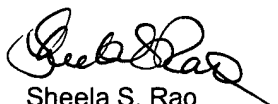
Art Unit: 2125

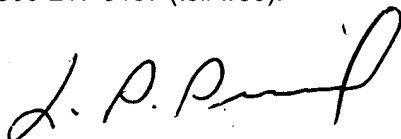
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Wednesday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax number for the organization where this application or any proceeding papers is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sheela S. Rao
April 25, 2006



LEO PICARD
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